

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

15 DEC 2005

To: BOWMAN GILFILLAN INC. (JOHN & KERNICK) BOWMAN GILFILLAN INC. (JOHN & KERNICK) 165 WEST STREET SANDTON JOHANNESBURG, SOUTH AFRICA			Date of mailing (day/month/year)
Applicant's or agent's file reference P15620PC00		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/IB05/00393	International filing date (day/month/year) 17 February 2005 (17.02.2005)	Priority date (day/month/year) 19 February 2004 (19.02.2004)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): A63F 9/14 and US Cl.: 463/29			
Applicant WATERLEAF LIMITED			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(u)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 27 October 2005 (27.10.2005)	Authorized officer Cheryl Tyler Telephone No. (571) 272-7147
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB05/00393

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-88</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-88</u>	NO
Industrial applicability (IA)	Claims <u>1-88</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

1. Claims 1-88 lack an inventive step under PCT Article 33(3) as being obvious over Wiltshire et al. (U.S. 6,409,602 B1) in view of Holch et al. (U.S. 6,089,982 A).

Wiltshire et al. discloses a slim terminal gaming system wherein a player(s) at a remote client/terminal computer(s) (120) is allowed to access one or more different computer game programs (virtual casino floor showing video poker, keno, slots, black jack, etc. game selections) via one or more server/host computers (110) through a network, such as, the Internet (115). Remote client/terminal computer(s) (120) include a wagering or bet acceptor device (150) such as a coin collector, a bill collector, a smart-card reader, a credit card reader, etc. Wiltshire appears to disclose all of the claim limitations with the exception of a unique identification code associated with a processor module; and a security module co-operable with the processor, the security module being arranged to enable execution of the software program by the processor when the program is encrypted with the unique identification code associated with the processor module, and to disable execution of the software when the software program is encrypted with a code that is different from the unique identification code associated with the processor module (claims 1, 16, 24, 44, 52, and 76); the security module disables execution of the software program when the software program is unencrypted (claims 2, 17, 25, 45, 53, and 77); the unique identification code is stored in a protected area of the storage memory (claim 3, 18, 26, 46, 54, and 78); and communication between the processor and the at least one peripheral device is encrypted (claims 7, 22, 32, 52, 60, and 82).

Although Wiltshire et al. discloses each client/terminal computer (120) includes wagering or bet acceptor device (150), such as a coin collector, a bill collector, a smart-card reader, a credit card reader, etc, Wiltshire et al. seems to lack explicitly disclosing: a unique identification code associated with a processor module; and a security module co-operable with the processor, the security module being arranged to enable execution of the software program by the processor when the program is encrypted with the unique identification code associated with the processor module, and to disable execution of the software when the software program is encrypted with a code that is different from the unique identification code associated with the processor module (claims 1, 16, 24, 44, 52, and 76);

the security module disables execution of the software program when the software program is unencrypted (claims 2, 17, 25, 45, 53, and 77);

the unique identification code is stored in a protected area of the storage memory (claim 3, 18, 26, 46, 54, and 78); and communication between the processor and the at least one peripheral device is encrypted (claims 7, 22, 32, 52, 60, and 82).

Holch et al., like Wiltshire et al., teaches of an online gaming system wherein a player is allowed to select from multiple wagering games to play at a player terminal. Therefore, Holch et al., and Wiltshire et al. are analogous art. Furthermore, Holch et al. teaches of encrypting player pin and account data while communicating over a network. Holch et al. teaches:

a unique identification code associated with a processor module; and a security module co-operable with the processor, the security module being arranged to enable execution of the software program by the processor when the program is encrypted with the unique identification code associated with the processor module, and to disable execution of the software when the software program is encrypted with a code that is different from the unique identification code associated with the processor module (claims 1, 16, 24, 44, 52, and 76) (Figure 5a and Column 6, lines 52-65);

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

the security module disables execution of the software program when the software program is unencrypted (claims 2, 17, 25, 45, 53, and 77) (Figure 5a and Column 6, lines 52-65);
the unique identification code is stored in a protected area of the storage memory (claim 3, 18, 26, 46, 54, and 78); and
communication between the processor and the at least one peripheral device is encrypted (claims 7, 22, 32, 52, 60, and 82) (Figure 5a and Column 6, lines 52-65).

Additionally, securing sensitive data over a network such as the Internet via encryption techniques are notoriously well known. For instance, encryption techniques can be used for accessing personal finance accounts at financial institutions on the Internet or purchasing merchandise from a retailers website. Therefore, it would have been obvious at the time of Applicant's invention to utilize encryption techniques, such as those discussed in Holch to transmit data securely in Wiltshire. One would be motivated to do so because providing a secure data interface enables a remote game player to have a piece of mind when making financial transactions, such as wagers via a credit card, over the Internet.

2. Claims 1-88 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

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